

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**YUSUF TAREEK STROUD,**

**Plaintiff,**

**vs.**

**ST. LOUIS CITY POLICE DEPT., ET. AL.,**

**Defendants.**

**Case No. 4:07CV359SNLJ**

**MEMORANDUM AND ORDER**

Plaintiff has filed this §1983 and state law action alleging the unconstitutional use of excessive force, failure to supervise and/or train, failure to remedy the “widespread practice” of excessive force, and assault and battery arising from his arrest in 2005. This matter is before the Court on the defendants’ motion for stay [84], filed October 16, 2009; plaintiff’s motion for protective order [76], filed September 24, 2009; and plaintiff’s motion for extension of time of discovery deadlines [75], filed September 24, 2009. Responsive pleadings have now all been filed with respect to each of these motions.

The defendants seek a stay of this civil case in light of a pending federal criminal case against the plaintiff in this district. *See, United States of America v. Yusuf Tareek Stroud*, Case No. 4:08CR712RWS/FRB. The pending criminal case arises from the same 2005 arrest incident at issue in the instant civil case. Plaintiff’s counsel in the criminal case is the same counsel representing plaintiff in the instant civil case. In his motion for a protective order, plaintiff seeks to protect information gained in the civil case from disclosure to protect his Fifth Amendment rights against self-incrimination in his pending criminal case.

The Court has carefully reviewed the instant motions, the civil complaint (second amended), the criminal charges currently pending against the plaintiff, the plaintiff's pretrial motions in his criminal case, and the United States' responses to said pretrial motions. It is clear that the instant civil case and the criminal prosecution involve the same issues and potential witnesses. The events leading up to his arrest and forming the basis for his criminal prosecution are the same events at issue in this civil case. While plaintiff's claim of excessive force in and of itself may have little bearing on a potential conviction or plea of being a felon in possession of a firearm, the evidence adduced surrounding the circumstances of his arrest is relevant to both the criminal and civil cases. The Court finds no prejudice to the plaintiff in staying his civil case until the final resolution of his criminal case.

In light of the Court's determination to grant the stay, the Court will further deny the motion for extension of time of discovery deadline and motion for protective order as moot; however, such motions may be refiled upon resolution of the plaintiff's criminal case and the lifting of the stay in the instant civil action.

Accordingly,

**IT IS HEREBY ORDERED** that defendants' motion for stay [84] be and is **GRANTED**. This civil cause of action is hereby **STAYED** pending the final resolution of the federal criminal case, United States of America v. Yusuf Tareek Stroud, Case No. 4:08CR712RWS/FRB.

**IT IS FINALLY ORDERED** that plaintiff's motion for extension of discovery deadline [75] and motion for protective order [76] be and are **DENIED AS MOOT**. However, said motions may be refiled upon the final resolution of the afore-referenced criminal case and the lifting of the stay entered in this civil action.

Dated this 28th day of October, 2009.

A handwritten signature in dark ink, appearing to read "Stephen A. Fierbaugh". The signature is written in a cursive style with a large, stylized initial 'S'.

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UNITED STATES DISTRICT JUDGE